

**Federal Communications Commission**

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Upper Wabash Broadcasting Corp.	)	
Radio Station WKUZ	)	File No. EB-03-CG-593
	)	
ASR # 1031600	)	NOV No. V20043232003
LaFountaine, IN	)	
	)	

**NOTICE OF VIOLATION**

**Released: November 7, 2003**

By the District Director, Chicago Office, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,<sup>1</sup> to Upper Wabash Broadcasting Corp. ("Wabash").

2. On November 7, 2003, an agent of the Commission's Chicago Office received information that the lights on your antenna structure, ASR# 1031600, located at LaFountaine, Indiana, were operating in violation of Federal Communications Commission Rule Section:

- a. 47 C.F.R. § 17.48(a): "The owner of any antenna structure which is registered ... Shall report immediately by telephone or telegraph to the nearest Flight Service Station or office of the Federal Aviation Administration any observed or otherwise known extinguishment or improper functioning of any flashing obstruction light ...." The lights on the antenna structure were not flashing. Wabash did not notify the Federal Aviation Administration of the malfunction.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>2</sup> and Section 1.89 of the Commission's Rules, Upper Wabash Broadcasting Corp., must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the licensee with personal knowledge of the matter. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 U.S.C. § 308(b).

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Chicago Office  
1550 Northwest Highway, Room 306  
Park Ridge, IL 60068

4. This Notice shall be sent to Upper Wabash Broadcasting Corp., P.O. Box 342, Wabash, IN 46992.

5. The Privacy Act of 1974<sup>3</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>4</sup>

FEDERAL COMMUNICATIONS COMMISSION

G. Michael Moffitt  
District Director  
Chicago Office

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<sup>3</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).

<sup>4</sup> 18 U.S.C. § 1001 *et seq.*